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Hearing Date: July 22, 2010  
Hearing Time: 10:00 a.m.  
Objection Deadline: June 7, 2010

Attorneys for Wells Fargo Bank, N.A.

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re:

Chapter 11

DPH HOLDINGS CORP., et al.,

Case No. 05-44481 (RDD)

Debtors.

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DELPHI CORPORATION et al.,

Plaintiff,

Adv. Pro. 07-02597 (RDD)

-against-

WELLS FARGO BUSINESS AND WELLS  
FARGO MINNESOTA,

Defendants.

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**NOTICE OF MOTION**

**PLEASE TAKE NOTICE**, the upon the annexed affidavit of Melody Stallings, dated May 13, 2010, and the annexed Motion (the "Motion") for an order pursuant to Rule 7012 of the Federal Bankruptcy Rules and Rule 12(b)(6) of the Federal Rules of Civil Procedure dismissing the Complaint to Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 547 and 550 (the "Complaint"), dated May 14, 2010, Defendant Wells Fargo Bank, N.A. (incorrectly named

herein as Wells Fargo Business and Wells Fargo Minnesota, "Wells Fargo") by its attorney, Ruskin Moscou Faltischek, P.C. will move this Court before the Honorable Robert D. Drain, United States Bankruptcy Judge, on July 22, 2010 at 10:00 a.m. or as soon thereafter as counsel may be heard at the United States Bankruptcy Court, Southern District of New York, 300 Quarropas Street, White Plains, New York 10601, for an order pursuant to Rule 7012 of the Federal Bankruptcy Rules and Rule 12(b)(6) of the Federal Rules of Civil Procedure dismissing the Complaint.

**PLEASE TAKE FURTHER NOTICE**, that a copy of the Motion may be obtained by (a) contacting the attorneys for the Defendant, Ruskin Moscou Faltischek, P.C., 1425 RXR Plaza, Uniondale New York 11556 (Attn: Jeffrey A. Wurst, Esq., Telephone Number: 516-663-6600); (b) accessing the Court's website at: [www.nysb.uscourts.gov](http://www.nysb.uscourts.gov) (please note that a PACER password is needed to access documents on the Court's website); (c) viewing the docket of these cases at the Clerk of the Court, United States Bankruptcy Court for the Southern District of New York, Alexander Hamilton Custom House, One Bowling Green, New York, New York 10004; or (d) accessing the public website maintained by Debtors' court-appointed claims and noticing agent in these cases at: [kccllc.net](http://kccllc.net)

**PLEASE TAKE FURTHER NOTICE**, that any objection to the relief requested in the Motion by parties with legal representation shall be filed (a) (i) through the Bankruptcy Court's electronic filing system (in accordance with General Order M-242), which may be accessed (with a password which is available by contacting the Bankruptcy Court's technical assistance at (212) 668-2870 ext. 3920, Monday through Friday, 8:30 a.m. to 5:00 p.m.) through the Internet at the Bankruptcy Court's website: [www.nysb.uscourts.gov](http://www.nysb.uscourts.gov), using Netscape Navigator software version 3.0 or higher, and (ii) in portable document format (PDF) using Adobe Exchange

software for conversion; or (b) if a party is unable to file electronically, such party shall submit the objection in PDF format on a diskette in an envelope with the case name, case number, type and title of document, document number of the document to which the objection refers, and the file name on the outside of the envelope; or (c) if a party is unable to file electronically or use PDF format, such party shall submit the objection on a diskette in either Word, WordPerfect, or DOS text (ASCII) format. An objection filed by a party with no legal representation shall comply with section (b) or (c) as set forth in this paragraph. A hard copy of the objection, whether filed pursuant to section (a), (b) or (c), as set forth in this paragraph, shall be delivered directly to the Clerk of the Court to the attention of the Honorable Robert D. Drain. The objection shall be served in accordance with General Order M-242 or by first-class mail upon the following parties: (a) Jeffrey A. Wurst, Esq., Ruskin Moscou Faltischek P.C., East Tower, 15th Floor, 1425 RXR Plaza, Uniondale, NY 11556-1425, counsel for Wells Fargo; (b) the Debtors, DPH Holdings Corp. (f/k/a Delphi Corporation, et al.), Attn: John Brooks, 5725 Delphi Drive, Troy, Michigan 48098; (c) Cynthia J. Haffey, Esq., Butzel Long, P.C., 150 W. Jefferson Avenue, Suite 100, Detroit, Michigan 48226; (d) Eric Fisher, Esq., Butzel Long, 380 Madison Avenue, 22<sup>nd</sup> Floor, New York, New York 10017; (e) Mark A Broude, Esq. and Robert J. Rosenberg, Esq., Latham & Watkins, 885 Third Avenue, New York, New York 10022, counsel for the Official Committee of Unsecured Creditors; (f) Michael D. Warner, Esq., Warner Stevens, L.L.P., 301 Commerce Street, Suite 1700, Forth Worth, Texas 76102; and (g) Alicia M. Leonhard, Esq., Tracy Hope Davis, Esq., Brian Masumoto, Esq., Office of the United States of Trustee for the Southern District of New York, 33 Whitehall Street, 21<sup>st</sup> Floor, New York, New York 10004, with a courtesy copy to the Chambers of the Honorable Robert D. Drain, United States Bankruptcy Judge, United States Bankruptcy Court, Southern District of New York, 300

Quarropas Street, White Plains, New York 10601, together with proof of service thereof, so as to be actually received no later than 4:00 p.m. Eastern Standard Time on June 7, 2010.

**PLEASE TAKE FURTHER NOTICE**, if you file papers in opposition, response or objection, you must appear at the Hearing and any adjournments thereof or such opposition, response or objection may be deemed to be waived.

**PLEASE TAKE FURTHER NOTICE**, that the Hearing may be adjourned from time to time without further notice other than oral announcement at the Hearing or written posting on the Court's calendar for said date.

**PLEASE TAKE FURTHER NOTICE**, that the Hearing Date may be adjourned from time to time, without further notice to creditors or other parties-in-interest, other than by announcement of the adjourned date at the Hearing.

Dated: Uniondale, New York  
May 14, 2010

RUSKIN MOSCOU FALTISCHEK, P.C.  
Attorneys for Official Committee of Unsecured  
Creditors

By: /s/ Jeffrey A. Wurst  
Jeffrey A. Wurst  
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